

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT PADUCAH**

**BOBBY E. BURTON**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 5:12CV-P194-R**

**INMATE TRUST FUND**

**DEFENDANT**

**MEMORANDUM AND ORDER**

Plaintiff Bobby E. Burton, an inmate incarcerated in the Bill Clements Unit, an institution run by the Texas Department of Criminal Justice and located in Amarillo, Texas, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 against Inmate Trust Fund which he identifies as being located in Huntsville, Texas. In his short complaint, Plaintiff states, “I destroyed state property now theres a hold on my account. I cant make store. I need to make store. Been on hold since 2000.” Plaintiff seeks injunctive relief, “making store.”

There is no special venue statute for § 1983 civil rights actions. Therefore, 28 U.S.C. § 1391 controls. Under § 1391(b), a civil action may be brought in:

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.

According to Plaintiff’s complaint, the Defendant in this case is located in Huntsville, Texas. Huntsville, Texas is located in Walker County, which is located in the Southern District of Texas. *See* 28 U.S.C. § 124(b). Therefore, proper venue for this complaint lies in that district.

Under 28 U.S.C. § 1406(a), “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” In the interest of justice,

**IT IS ORDERED that the instant action shall be TRANSFERRED to the United States District Court for the Southern District of Texas, Houston Division in Houston, Texas,** pursuant to 28 U.S.C. § 1406(a) for all further proceedings. All further filings shall be filed with that court.

Date:

cc: Plaintiff, *pro se*  
Clerk, Southern District of Texas  
4413.003